



L. Payne CMD-2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

March 21, 2000

OFFICE OF THE
REGIONAL ADMINISTRATOR

The Honorable Barbara Boxer
U.S. Senate
1700 Montgomery Street, Suite 240
San Francisco, CA 94111

Dear Senator Boxer:

Thank you for your inquiry of January 27, 2000 on behalf of your constituent, Eugene Cunningham, regarding off highway vehicle (OHV) use at the Clear Creek Management Area (CCMA). In response to your letter, my staff has advised me of the following.

EPA has objected to the use of the CCMA as an OHV recreation area since 1981. Unfortunately, EPA has limited authority under the National Environmental Policy Act (NEPA) to directly influence the final decisions of lead agencies, in this case the Bureau of Land Management (BLM). In 1998, BLM denied our protest of the CCMA Final EIS, and with that action our potential remedies under NEPA were exhausted. EPA has already provided Mr. Cunningham with a great deal of information from our project files.

As our correspondence through the years amply demonstrates, we believe that there are compelling reasons to limit (or eliminate) the use of OHVs at CCMA. We have already stated our intention to monitor BLM's progress in meeting the commitments outlined in the CCMA Record of Decision. Further environmental progress at CCMA will likely require legislative action that is beyond the purview of our NEPA review program.

We appreciate the opportunity to respond to your inquiry. If we can be of further assistance with this matter, please call my Congressional Liaison Officer, Brent Maier, at (415) 744-1560.

Yours,

[Signature]
Felicia Marcus
Regional Administrator